

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MERISSA FRANKLIN,

Plaintiff,

v.

KELLEY EELNORME, DOREEN
MCINNES, AND DAVITA WORLD
HEADQUARTERS,

Defendants.

Case No. 13-11329

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
APRIL 19, 2013 REPORT AND RECOMMENDATION [8]**

This matter came before the Court on the magistrate judge's April 19, 2013 report and recommendation. (Dkt. 8.) The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at *1 (E.D.Mich. Aug. 24, 2012) (citation omitted). The Court nevertheless agrees with the magistrate judge's recommendation. The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation.

The Court therefore DENIES without PREJUDICE DaVita's motion to dismiss. (Dkt. 4.)

The Court grants Plaintiff until July 24, 2013 to: (1) ensure DaVita is the correct Defendant; (2) identify the individual authorized to accept service on behalf of DaVita (or

the correct Defendant); (3) indicate on the Summons the name of the individual authorized to accept service; (4) ensure the Summons is addressed to the correct Defendant; (5) deliver the Summons and a copy of the Complaint to the individual authorized to accept service; and (6) file a certificate of service with the Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 22, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 22, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol A. Hemeyer